

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1456-01
Bill No.: SB 447
Subject: Attorneys; Courts; Circuit Clerk; Fees; Judges
Type: Original
Date: February 24, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(\$101,090)	(\$104,430)	(\$106,845)
Total Estimated Net Effect on General Revenue Fund	(\$101,090)	(\$104,430)	(\$106,845)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Basic Civil Legal Services	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **State Treasurer's Office** assumed the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would establish the "Basic Civil Legal Services Fund" and authorize additional filing fees in civil and criminal cases to be credited to the fund. Moneys collected for this fund are to be paid by the court clerk to the Office of State Courts Administrator; the Missouri Supreme Court is to determine and oversee the administration of this fund. Based upon a caseload analysis for FY 2002, this legislation would generate approximately \$7,274,652 in any given year.

CTS assume they would need one professional staff (1 FTE Accounting Specialist at \$47,100 per year, plus fringe benefits, equipment and expense) and one clerical staff (1 FTE Account Coordinator at \$27,444 per year, plus fringe benefits, equipment and expense) to collect, administer, and distribute the moneys for this fund. CTS estimates the cost of these positions, including necessary equipment and expense costs and fringe benefits, to be \$102,320 based on FY 2004 FTE costs.

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ASSUMPTION (continued)

The Supreme Court would create a committee to set the standards for the allocation of the funds and for monitoring the expenses. CTS estimates committee expenses to be \$3,000 per year. There will also be travel expenses for the staff person to audit the records. CTS estimates these travel expenses to be \$5,000 per year.

CTS estimates the total amount needed to comply with the requirements of the legislation to be \$110,320 per year, plus cost of living adjustments. CTS assumes these costs will be from the General Revenue Fund.

Oversight has, for fiscal note purposes only, changed the starting salaries for the Accounting Specialist and Coordinator to more closely reflect actual starting salaries. This decision reflects a study of actual starting salaries for new state employees over the last six months of FY 2002 and policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

Officials from the **Cape Girardeau County Circuit Clerk's Office** assume, based on caseloads reported in the 2000 Missouri Judicial Report, the proposal would generate approximately \$107,410 in Revenues. Officials do not anticipate any savings or losses. Officials assume the costs would be minimal. There would be additional accounting time in the end of the month reports. In criminal cases, officials would use a limited amount of clerk time with receipts, since some of the criminal defendants only pay \$5.00 to \$10.00 at a time.

Officials from the **Marion, Taney, Atchison, Adair, Callaway, Boone, Franklin, Pettis, and Phelps County Circuit Clerk Offices** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
<u>Costs</u> – Office of State Courts			
Administrator (CTS)			
Personal Services (2 FTE)	(\$55,371)	(\$68,106)	(\$69,808)
Fringe Benefits	(\$22,409)	(\$27,562)	(\$28,251)
Equipment and Expense	<u>(\$23,310)</u>	<u>(\$8,762)</u>	<u>(\$8,786)</u>
Total Costs – CTS	<u>(\$101,090)</u>	<u>(\$104,430)</u>	<u>(\$106,845)</u>

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$101,090)</u>	<u>(\$104,430)</u>	<u>(\$106,845)</u>
BASIC CIVIL LEGAL SERVICES FUND			
<u>Income</u> – CTS			
Court filing fees	\$7,274,652	\$7,274,652	\$7,274,652
<u>Costs</u> – CTS			
Distribution to legal services organizations	<u>(\$7,274,652)</u>	<u>(\$7,274,652)</u>	<u>(\$7,274,652)</u>
ESTIMATED NET EFFECT ON BASIC CIVIL LEGAL SERVICES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would create the Basic Civil Legal Services Fund. The fund would increase the public money available for civil legal services for low-income persons. To fund the program, a \$20 fee would be assessed upon the filing of every civil or criminal proceeding in circuit court and in any appellate court, and a \$10 fee would be assessed upon filings in associate circuit court. The Missouri Supreme Court or its designee would administer the fund.

This legislation is not federally mandated, would not duplicate any other program and would not

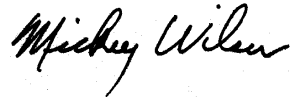
require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
State Treasurer's Office
Cape Girardeau County Circuit Clerk's Office

NOT RESPONDING

Marion County Circuit Clerk
Taney County Circuit Clerk
Atchison County Circuit Clerk
Adair County Circuit Clerk
Callaway County Circuit Clerk
Boone County Circuit Clerk
Franklin County Circuit Clerk
Pettis County Circuit Clerk
Phelps County Circuit Clerk

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 24, 2003